

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION

UNITED STATES OF AMERICA

v.

KATHLEEN VARNER,
Defendant.

)
)
)
)
)

Criminal No. 6:18CR00002-01

MEMORANDUM

Kathleen Varner and defense counsel, Neil Horn, indicated that defense counsel wished to be present at the initial presentence report interview. This probation officer scheduled the interview with the Lynchburg Adult Detention Center and then subsequently emailed defense counsel to confirm the date and time. Unknown at the time to this probation officer, when the email was sent from a mobile device, a technical error occurred which resulted in the failure of the sending of the email. This probation officer then conducted the presentence interview on the scheduled date and time, thinking that defense counsel had been notified of the appointment. The defendant's prior criminal record, other than whether she had a juvenile record, and acceptance of responsibility were not addressed during the presentence interview. Both defense counsel and counsel for the government have been advised of the fact that the interview was conducted in the absence of defense counsel. This officer has offered to conduct the interview anew, however, defense counsel has advised that another interview will not be requested.

Respectfully submitted,



Kimberly M. Davis
U.S. Probation Officer